

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CHARLES WOODROW TAGGART,

Petitioner,

v.

Civil Action No. **3:08CV325**

VIRGINIA DEPARTMENT OF CORRECTIONS, *et al.*,

Respondents.

MEMORANDUM OPINION

Petitioner, a Virginia parolee, has submitted this petition for a writ of mandamus. Petitioner contends that he was improperly placed on mandatory parole. Petitioner has asked this Court to issue a writ of mandamus directed to the Virginia Department of Corrections and the Virginia State Parole Board. By Memorandum Order entered on June 23, 2008, the Court noted that this federal court lacks jurisdiction to grant mandamus relief against state officials or state agencies. *See Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 587 (4th Cir. 1969). The Court further noted that, to the extent that Petitioner was seeking to invoke this Court's jurisdiction under 42 U.S.C. § 1983, Petitioner's demands for monetary and injunctive relief are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), and related cases. *See Wilkinson v. Dotson*, 544 U.S. 74, 81-82 (2005). The Court directed Petitioner, within eleven (11) days of the date of entry thereof, to show cause why the action should not be dismissed for want of jurisdiction and for failure to state a claim. *See* 28 U.S.C. § 1915(e)(2). The Court warned Petitioner that the failure to file a timely response, may result in the dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b). Over eleven (11) days have elapsed since the entry of the June 23, 2008 Memorandum Order and Petitioner has not responded. Accordingly,

the action will be DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief can be granted.

An appropriate Order shall issue.

Date: 8-15-08
Richmond, Virginia

/s/
James R. Spencer
Chief United States District Judge